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STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

THERESA MONTES DE OCA :
:
-vs- : Docket No. 12-0163
:
COMMONWEALTH EDISON COMPANY :
:
Complaint as to Billing/charges :
in Chicago, Illinois :

Chicago, Illinois
October 16, 2012

Met, pursuant to adjournment, at 11:00 o'clock a.m.

BEFORE:

John Riley, Administrative Law Judge

APPEARANCES:

MR. MARK L. GOLDSTEIN
LAW OFFICES OF MARK L. GOLDSTEIN
3019 Province Circle
Mundelein, Illinois 60060
(847) 949-1340

On behalf of Commonwealth Edison Company

MS. ERIN BUECHLER
COMMONWEALTH EDISON COMPANY
440 South LaSalle Street - Suite 3300
Chicago, Illinois 60605
(312) 394-3866

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I N D E X

WITNESSES: Direct Cross Redirect Recross
None.

E X H I B I T S

NUMBER MARKED FOR ID IN EVIDENCE
None.

1 JUDGE RILEY: Pursuant to the direction of
2 the Illinois Commerce Commission I call docket 12-0163.
3 This is a complaint by Teresa Montes De Oca versus
4 Commonwealth Edison Company as to billing and charges in
5 Chicago, Illinois. It's my understanding, Miss De Oca,
6 that you are still appearing without counsel, is that
7 correct?

8 MR. DE OCA: I'm trying --

9 JUDGE RILEY: Are you Mr. De Oca?

10 MR. DE OCA: No, I'm the husband. She's my
11 wife.

12 JUDGE RILEY: I understand. You'll be
13 translating for her?

14 MR. DE OCA: I'm trying.

15 JUDGE RILEY: I just want to make sure that
16 she understands that she is proceeding without an
17 attorney. If she does desire an attorney, she can hire
18 one and have that attorney appear on her behalf. Do you
19 understand?

20 MR. DE OCA: Yes.

21 JUDGE RILEY: Mr. Goldstein, would you enter
22 an appearance for the record, please.

1 MR. GOLDSTEIN: Yes. For Commonwealth
2 Edison Company, Mark L. Goldstein 3019 Province Circle,
3 Mundelein, Illinois 60060. My telephone number is
4 (847)949-1340. With me this morning is Erin Buechler of
5 ComEd.

6 JUDGE RILEY: Thank you.

7 I'm going to start with Mr. Goldstein this
8 morning. Where is -- what is Commonwealth Edison's --
9 what is the status as far as Commonwealth Edison is
10 concerned?

11 MR. GOLDSTEIN: The problem is that we're
12 having access problems to read the meter and,
13 unfortunately, the current bill at this address on
14 Karlov is over \$13,000. I don't think that on that
15 basis Ms. De Oca qualifies for any CEDA funds or
16 anything else. It seems to me that we would like to try
17 to get regular reads and so what I suggest is that we
18 kick this out about six weeks for an evidentiary
19 hearing. There's just too much money owed.

20 JUDGE RILEY: I'm completely confused.
21 What's been going on for the last six months? I mean,
22 I've continued this matter twice.

1 MR. GOLDSTEIN: We're trying to get reads of
2 the meter.

3 JUDGE RILEY: You're saying you haven't
4 gotten any actual readings at all?

5 MR. GOLDSTEIN: I think the last read as I
6 see it is May 8th.

7 JUDGE RILEY: What is the difficulty? Why
8 are there no actual readings? Is it --

9 MR. GOLDSTEIN: Just for -- bear with us a
10 moment.

11 Well, maybe Ms. De Oca or her husband can
12 explain. We don't have any information on that.

13 JUDGE RILEY: This is what I don't
14 understand. This was continued from April to July to do
15 actual readings and the problem arose that they couldn't
16 do actual readings. Now it's been continued from July
17 to today's date and there still aren't any actual
18 readings. Is there a large dog in the yard? Is the
19 gate locked? What's keeping ComEd out?

20 MR. GOLDSTEIN: I don't have any information
21 about that.

22 JUDGE RILEY: This doesn't make sense. I've

1 continued this thing for six months and there's still no
2 actual readings.

3 MR. GOLDSTEIN: I think on that basis,
4 Judge, you know, we would actually have to bring
5 somebody in to discuss this, someone who has actually
6 tried to go out to the property. So what I suggest is
7 that we set this for an evidentiary hearing and we'll
8 just go forward.

9 JUDGE RILEY: Let's hold off on that.

10 Ms. De Oca, do you understand what's going
11 on here right now?

12 MR. DE OCA: Yes.

13 JUDGE RILEY: Your answer is yes, you do
14 follow what Mr. Goldstein is saying, that Commonwealth
15 Edison hasn't been able to get access to your meter to
16 take actual readings? Can you explain why?

17 MR. DE OCA: Yes.

18 JUDGE RILEY: Please.

19 MR. DE OCA: One month and, like, maybe ten
20 days the company go and check my meter, read my meter,
21 go inside. Somebody call my wife and I'm waiting in the
22 house for somebody go inside and somebody go inside and

1 check the meter.

2 JUDGE RILEY: When was that?

3 MR. DE OCA: A month.

4 JUDGE RILEY: Somebody did read the meter a
5 month ago?

6 MR. DE OCA: Yes, sir.

7 JUDGE RILEY: Do you have that, anything in
8 September?

9 MS. BUECHLER: There was a work -- someone
10 went out there in September. It wasn't -- that reading
11 though wasn't -- I can't --

12 MR. GOLDSTEIN: We don't know why it wasn't
13 billed. We don't have enough information.

14 JUDGE RILEY: Let the record reflect that
15 was Erin Buechler speaking. I just want to make sure
16 the court reporter's got that.

17 MR. GOLDSTEIN: Someone went out there on
18 September 6th and there was -- they went out there but
19 for some reason the reading was taken, but it wasn't
20 billed and we don't have any information for the reason
21 why it wasn't billed. That's the problem. Other than
22 that, we're going to try to get somebody out there as

1 soon as possible.

2 JUDGE RILEY: That goes to the heart of the
3 issue, is that this account on November 7th, the issue
4 date of this bill, November 7th, 2011, the previous
5 balance was 242.76, total payments 243.56 and the amount
6 due on November 29, 2011 was \$72.25. On November 8, for
7 the same account, the previous balance was \$72.25, no
8 payments were made, and the amount due on November 30
9 was \$7,390.82.

10 MR. GOLDSTEIN: But back in 2011, Judge,
11 there were regular readings.

12 JUDGE RILEY: Right, understood.

13 MR. GOLDSTEIN: Part of the problem here is
14 that they have -- there is a dog issue here. We don't
15 know how that resolved, whether the meter reader has
16 been able to take readings or is capable of taking
17 readings with binoculars or not, and so on and so forth.
18 That's the reason I responded to you in the way I did
19 initially.

20 JUDGE RILEY: But I've heard this before,
21 it's been the same problem since last April and I don't
22 under --

1 MR. GOLDSTEIN: Yes. I don't know how to
2 resolve it at the moment and that's why I suggested that
3 we just set it for evidentiary hearing in fairness to
4 the complainant.

5 JUDGE RILEY: Well, if there's --

6 MR. GOLDSTEIN: You know, if we can't gain
7 access, that's one issue.

8 JUDGE RILEY: But somebody did gain access
9 in September. I mean, even though it wasn't an official
10 reading.

11 MR. GOLDSTEIN: And we don't know why it
12 wasn't billed. That's the problem.

13 JUDGE RILEY: But somebody gained access to
14 the meter so the meter is accessible.

15 MR. GOLDSTEIN: I think that was because
16 they went out there and made arrangements with either
17 Miss De Oca or her husband finally. I don't know
18 what -- why there was this gap in between.

19 JUDGE RILEY: Mr. De Oca, do you have
20 any -- can you give me any reason why a Commonwealth
21 Edison meter reader would not be able to get access to
22 your meter?

1 MR. DE OCA: No. The guy come, he can go
2 inside. I got no problem with that.

3 JUDGE RILEY: Is the meter inside your home?

4 MR. DE OCA: Yes.

5 JUDGE RILEY: Someone is home during the
6 day?

7 MR. DE OCA: Yes.

8 JUDGE RILEY: Either you or Mrs. De Oca?

9 MR. DE OCA: Sometimes my son too.

10 JUDGE RILEY: Your son is home?

11 MR. DE OCA: Yes.

12 JUDGE RILEY: Is your son an adult?

13 MR. DE OCA: Yes. He's 19.

14 JUDGE RILEY: Counsel, I don't understand
15 why ComEd can't get inside. No one at ComEd has
16 explained to you why they haven't been doing these
17 actual readings?

18 MR. GOLDSTEIN: That is correct and that's
19 why I made the suggestion I did, Judge. If you'd like,
20 we would like -- you know, if you continue it maybe 60
21 days. We'll try to get two more readings. I don't know
22 why we're not able to do that. We'll make a special

1 effort.

2 JUDGE RILEY: I am reluctant to have these
3 people go to hearing if they don't have the information
4 that they might need.

5 MR. GOLDSTEIN: The problem is that the bill
6 is quite high and, you know --

7 JUDGE RILEY: I understand that ComEd does
8 not have the burden in this matter, but that certainly
9 is a question I'd like to have answered, is why that
10 billed jumped from 72.25 on November 7, 2011 to 7,300 --

11 MR. GOLDSTEIN: Well, it was a back-billed
12 situation, Judge. When they actually did get a
13 reading --

14 JUDGE RILEY: Is it another one of these
15 estimated reading situations?

16 MR. GOLDSTEIN: That 7300 bill is part of
17 the re-bill of the account.

18 JUDGE RILEY: Are you suggesting, then, that
19 ComEd's estimates were so far off, that when they did a
20 re-bill analysis it as \$7300 --

21 MR. GOLDSTEIN: Well, that's what it looks
22 like to me, at the moment.

1 JUDGE RILEY: I'm not the least bit disposed
2 to set this thing for hearing. I will set it 60 days
3 out, but let's see if we can't get a couple of actual
4 readings and see if ComEd can't get some more solid
5 information because I just don't think there's anything
6 to go on yet. That's going to take us in the middle of
7 December. We're going to another status, we don't go to
8 hearing yet. What does December 12 look like -- or you
9 pick a day.

10 Mr. De Oca, do you have any specific date
11 that you can -- that's good for you?

12 MR. DE OCA: No. I need --

13 JUDGE RILEY: Any day is okay?

14 MR. GOLDSTEIN: December 12th at the same
15 time, Judge, would be fine.

16 JUDGE RILEY: December 12 at 11:00 a.m.

17 Okay. I will continue this matter to
18 December 12 at 11:00 a.m., and we'll see if Commonwealth
19 Edison can't get a couple of actual readings by that
20 time to see what's exactly going on with your account
21 and we'll just take it from there.

22 MR. DE OCA: Thank you.

1 MR. GOLDSTEIN: Is that all on the record,
2 Judge?

3 JUDGE RILEY: Yes. Did you need anything
4 more?

5 MR. GOLDSTEIN: I have nothing else to add.

6 JUDGE RILEY: Let's see if Commonwealth
7 Edison can get some more actual readings.

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